

RESOLUTION NO. 4146

AUTHORIZING AND DIRECTING CONDEMNATION  
OF REAL PROPERTY FOR STREET WIDENING,  
STORM DRAINAGE, SEWER FACILITIES, AND  
OTHER UTILITY SERVICES

BE IT RESOLVED by the Council of the City of Lodi  
as follows:

The Council of the City of Lodi finds, determines,  
and hereby declares:

1. That the public interest, necessity, and convenience require the acquisition, construction, and completion of a public improvement, to-wit: street widening, storm drainage, sewer facilities, and other utility services on and across certain real property located on the East side of Stockton Street between Kettleman Lane and Century Boulevard in the County of San Joaquin, State of California.

2. That the real property hereinafter described is suitable, adaptable, necessary, and required for the public use of said City of Lodi, **as** hereinabove set forth.

3. The proposed project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.

4. That the City of Lodi acquire the herein-after described real property for street Widening, storm drainage, sewer facilities, **and** other utility services, by donation, purchase, or by condemnation in accordance with the provisions of the Code of Civil Procedure of the State of California relating to eminent domain. That the City Attorney is hereby authorized to prosecute in the name of the City of Lodi, any and all actions or proceedings required to acquire the necessary land and/or to fix the compensation to be paid for property damage resulting from the construction and maintenance of said improvements; and in the absence

of a satisfactory price agreement with the owner of the land, the City Attorney is hereby directed to immediately commence proceedings under Title Seven, Part Three of the Code of Civil Procedure of the State of California to condemn the property hereinafter described for the purpose of taking said land for the public use of said City as hereinabove set forth.

5. To acquire in the name of the City of Lodi, a fee simple estate in and to the said herein-after described real property by condemnation in accordance with the provisions of the Streets and Highways Code, Code of Civil Procedure, and the Constitution of California relating to eminent domain.

6. To make application to a Court of competent jurisdiction for ~~an~~ order fixing the amount of such security in the way of money deposits as said Court may direct, and for an order permitting said City of Lodi to take immediate possession and use of said property, or interest in real property, or existing improvements for the public use as hereinabove set forth; to make deposit of such security or monies in such ~~amount~~ ~~so~~ fixed and determined and in such manner as said Court in which said condemnation proceedings are pending may direct.

7. The real property, or interest in real property which the City of Lodi is by this Resolution authorized to acquire for said public improvements are situate in the County of San Joaquin, State of California, and is more particularly described as follows:

The West 40 feet (measured to the center line of Stockton Street) of the West 8.805 acres of Lot 14, as the ~~same~~ is delineated and ~~so~~ designated upon that certain map entitled "Map of A. J. LARSON'S Subdivision of the Northeast Quarter of Section 13 in Township 3 North, Range 6 East, Mount Diablo Base and Meridian," filed November 7, 1890, at 12:20 p.m. in the Office of the County Recorder of the County of San Joaquin, State of California.

Save and except therefrom 3.9 acres as conveyed by HENRY C. HASLAM, et ux to C. L. KOBES, et ux by Deed dated October 30, 1922, and recorded in Book "A" of Deeds, Vol. 521, San Joaquin County Records, Page 365.

DATED: December 17, 1975.

I hereby certify that the foregoing Resolution was passed and adopted by the City Council of the City of Lodi in regular meeting held December 17, 1975, by the following vote:

AYES: Councilmen SCHAFFER, HUGHES, EHRHARDT, KATNICH,  
and PINKERTON

NOES: Councilmen - None

ABSENT: Councilmen - None

*ALICE M. REIMCHE*  
\_\_\_\_\_  
ALICE M. REIMCHE, City Clerk

The foregoing document is certified to be a correct copy of the original on file in this office.

<sup>1</sup>  
*ALICE M. REIMCHE*  
\_\_\_\_\_  
ALICE REIMCHE  
City Clerk, City of Lodi

Dated: *December 17, 1975*  
\_\_\_\_\_